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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,779	04/09/2004	Jeffrey F. Tempas	550299.00002	1441

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/821,779

Applicant(s)

TEMPAS, JEFFREY F.

Examiner

James M. Hewitt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2004 and 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☒ Claim(s) 6 and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/9/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 7-10 are objected to because of the following informalities:

In claim 7 line 1, "the" should be inserted before "angled".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 states "wherein the angled section narrow end is of a lesser diameter than the inner diameter of the pipe." This contradicts the recitation "the angled section having...a narrow end with an inner diameter greater than the inner diameter of the pipe" in lines 6-7 of claim 1, from which claim 2 depends. And thus the scope and intent of claim 2 is unclear. However, in light of the disclosure, it seems as if the recitation in claim 1 is inaccurate, and the recitation in claim 2 is accurate. The Examiner suggests canceling claim 2 and amending claim 1 to recite that the inner diameter of the narrow end of the angled section is less than the inner diameter of the pipe.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardy (US 290,045).

With respect to claim 1 and with particular reference to Figures 2 and 3, Hardy discloses a coupler (A) for joining a pipe having an inner diameter and an outer diameter to an opening larger than the inner diameter of the pipe, the coupler being open ended and defining a passageway therebetween having a straight section (internally threaded section receiving pipe 'D') and an angled section (that inner curved section), the straight section having a uniform inner diameter concentric about a centerline and sized to receive the outer diameter of the pipe, the angled section having a wide end and a narrow end with an inner diameter less than the inner diameter of the pipe and less than that of the wide end and the straight section, wherein the angled section has an upper portion (curved portion) above the centerline that at least in part increases in radius from the narrow end to the wide end and a lower portion to a side of the centerline opposite the upper portion having a constant radius at least along a line extending between the narrow and wide ends at a six o'clock position with respect to the open end of the angled section (refer to Figure 2).

With respect to claim 2, wherein the angled section narrow end is of a lesser inner diameter than the inner diameter of the pipe.

With respect to claim 3, wherein the angled section wide end includes an alignment feature (internal threads as at 'C') for fixing the rotational position of the coupler about the centerline.

With respect to claim 4, wherein the alignment feature is at the upper portion (upper portion has been interpreted to be inclusive of that section with internal threads as at 'C') of the angled section.

With respect to claim 7, wherein the angled section wide end defines a circular face groove (between internal threads as at 'C' and curved portion).

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cupit (US 3,680,896).

With respect to claim 1 and with particular reference to Figure 8, Cupit discloses a coupler for joining a pipe having an inner diameter and an outer diameter to an opening larger than the inner diameter of the pipe, the coupler being open ended and defining a passageway therebetween having a straight section (that receives pipe on left hand side of the figure) and an angled section (56), the straight section having a uniform inner diameter concentric about a centerline and sized to receive the outer diameter of the pipe, the angled section having a wide end and a narrow end with an inner diameter less than the inner diameter of the pipe and less than that of the wide end and the straight section, wherein the angled section has an upper portion above the

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centerline that at least in part increases in radius from the narrow end to the wide end and a lower portion to a side of the centerline opposite the upper portion having a constant radius at least along a line extending between the narrow and wide ends at a six o'clock position with respect to the open end of the angled section.

With respect to claim 2, wherein the angled section narrow end is of a lesser inner diameter than the inner diameter of the pipe.

With respect to claim 3, wherein the angled section wide end includes an alignment feature (internal threads) for fixing the rotational position of the coupler about the centerline.

With respect to claim 4, wherein the alignment feature is at the upper portion (upper portion has been interpreted to be inclusive of that section with internal threads) of the angled section.

With respect to claim 7, wherein the angled section wide end defines a circular face groove (between portions 50 and 51).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy (US 290,045).

With respect to claims 4 and 5, Hardy fails to teach an alignment feature in the form of a tab projecting from the angled section essentially parallel to the centerline. The Examiner takes official notice of a tab on the exterior of a pipe that acts as an alignment indicator. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ such a tab on the outside of Hardy's coupler in order to indicate alignment or a thread tightening limit.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupit (US 3,680,896).

With respect to claims 4 and 5, Cupit fails to teach an alignment feature in the form of a tab projecting from the angled section essentially parallel to the centerline. The Examiner takes official notice of a tab on the exterior of a pipe that acts as an alignment indicator. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ such a tab on the outside of Cupit's coupler in order to indicate alignment or a thread tightening limit.

#### ***Allowable Subject Matter***

Claims 6 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note that the allowability of claims 8-10 is also contingent upon overcoming the above-noted objection to claim 7.

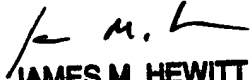
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**